

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #1866B - Alltel Communications

PROPOSAL: To correct the waiver of the fall zone approved for Special Permit 1866A.

LOCATION: 2401 North 48th Street

WAIVER REQUEST: Waive the required fall zone.

CONCLUSION: Waivers to the fall zone were approved with the original special permit for this wireless facility and the subsequent amendment to extend it. This permit merely revises the language of the resolution approving Special Permit #1866A to state the correct fall zone distances.

<u>RECOMMENDATION:</u>	Conditional Approval
Waiver: Fall Zone from 49' to 32' to the north property line	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, UPC 1st Addition.

EXISTING ZONING: B-3 Commercial

EXISTING LAND USE: Commercial building, wireless facility.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-3
South:	Commercial	B-3
East:	Commercial	B-3
West:	Commercial	B-3

HISTORY: February 1, 2006 - Special Permit #1866A was approved authorizing a 13' extension to an 85' tall wireless facility to accommodate an additional carrier.

October 4, 2000 - Special Permit #1866 was approved authorizing an 85' tall wireless facility capable of accommodating the antennas of two wireless service providers.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The 2025 Comprehensive Plan's Land Use Plan designates commercial land uses in this area.

Page F126 - Wireless Telecommunications - The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

ANALYSIS:

1. SP#1866 was approved in 2000 authorizing an 85' tall wireless facility capable of accommodating at least two carriers. The facility was actually built to a height of 81'. Special Permit 1866A was approved in 2006 authorizing a 13' extension to accommodate collocation by Alltel. The maximum allowed height of 98' was 13' higher than originally approved and 17' higher than actually constructed.
2. Lincoln Municipal Code Section 27.68.110(g) Fall Zone requires that wireless facilities be set back a distance of no less than one-half the height of the structure from property lines. Adjustments to the requirement can be granted by the Planning Commission when it finds there is no adverse impact upon neighboring properties.
3. A waiver to the fall zone from 42.5' to 40' to the north property line and 4' to the east property line was approved with the original special permit. When the facility was extended, a waiver to the fall zone from 49' to 40' and 4' was also approved to accommodate the increased height. The previous reviews noted that because the fall zone extended entirely into areas used for parking lots, a waiver would not significantly impact surrounding properties.
4. The facility was constructed in a slightly different location than approved by Special Permit #1866, and the actual location was accurately reflected on the site plan for SP#1866A. Correctly stated, the waiver of fall zone for SP#1866A should be from 49' to 32' to the north property line and to 4' to the east property line. This request merely amends the waiver from 49' to 32' to the north property line consistent with the approved site plan. The justification for granting the original waiver still applies.
5. This request only seeks to have the fall zone adjusted to reflect the actual location of the wireless facility as shown on the site plan. There are no other changes to the wireless facility or site plan.

CONDITIONS:

Site Specific:

1. This approval modifies the fall zone from 49' to 32' to the north property line consistent with the revised site plan

General:

2. The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1 A revised site plan including 5 copies showing the following revisions:
 - 2.1.1 A revised plan set that includes only a site plan.
 - 2.1.1 The dimensions of the fall zones as measured from the outer edge of the wireless facility to the north and east property lines.
 - 2.2 The construction plans shall comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

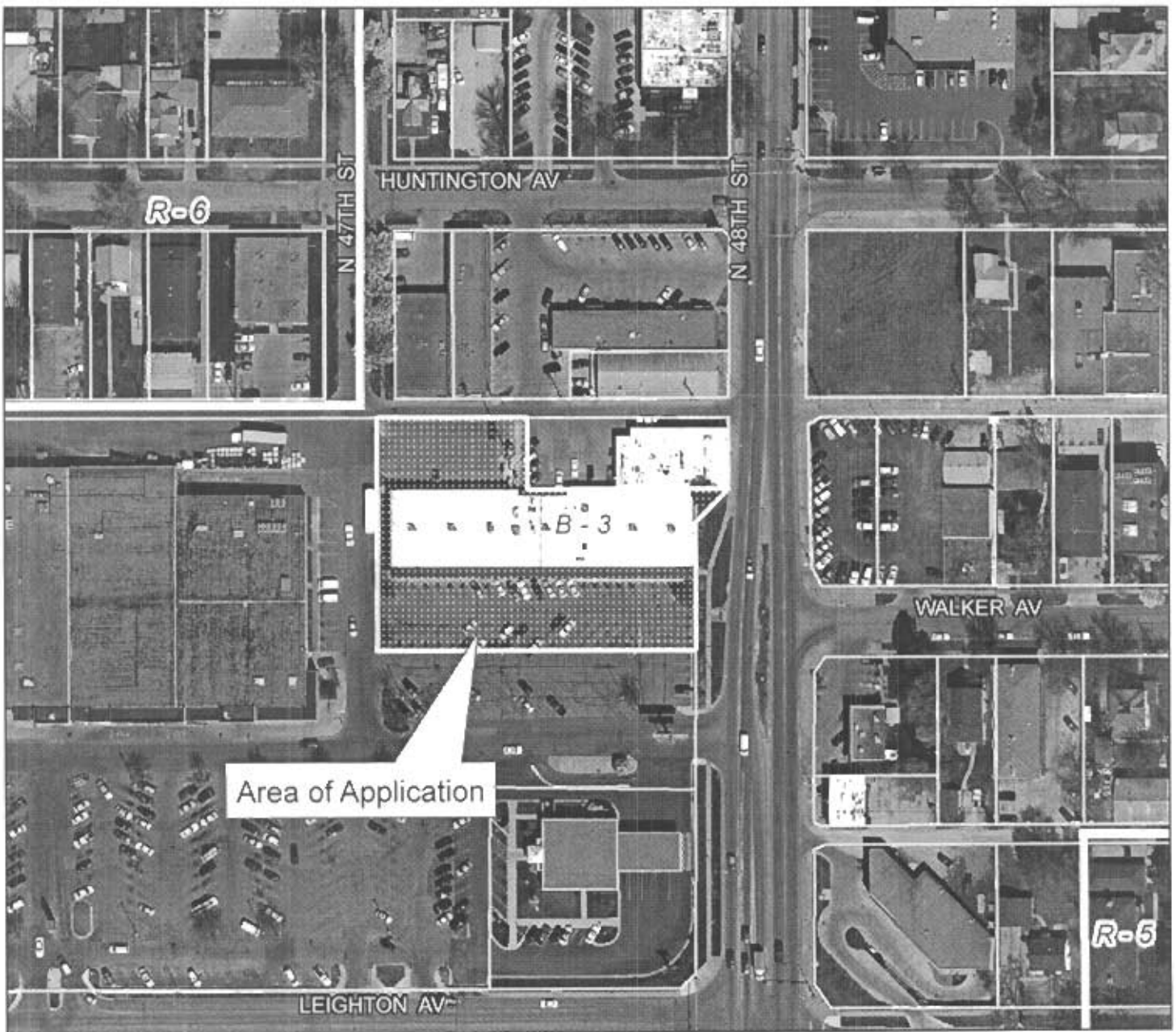
Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
March 28, 2006

APPLICANT: Alltel
1440 M Street
Lincoln, NE 68508

OWNER: Sprint Sites USA
6550 Sprint Parkway
Overland, KS 66251

CONTACT: Ralph Wyngarden
Faulk and Foster
2680 Horizon Drive
Grand Rapids, MI 49546
616.975.0923



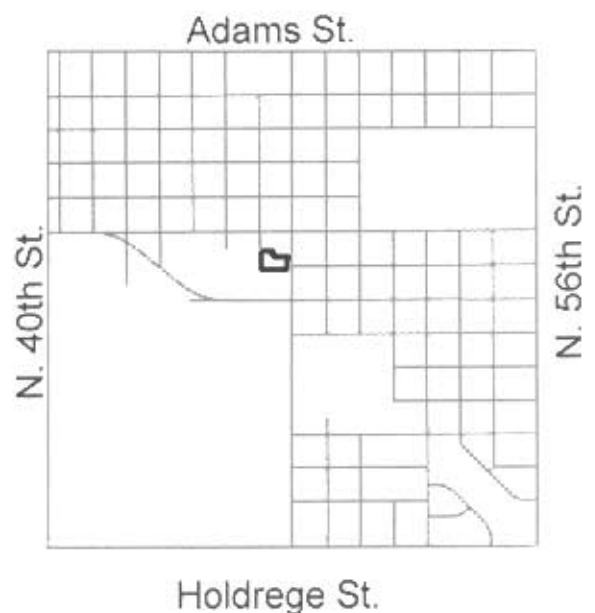
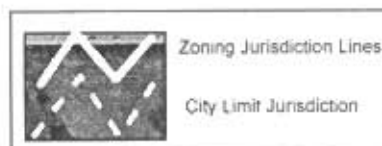
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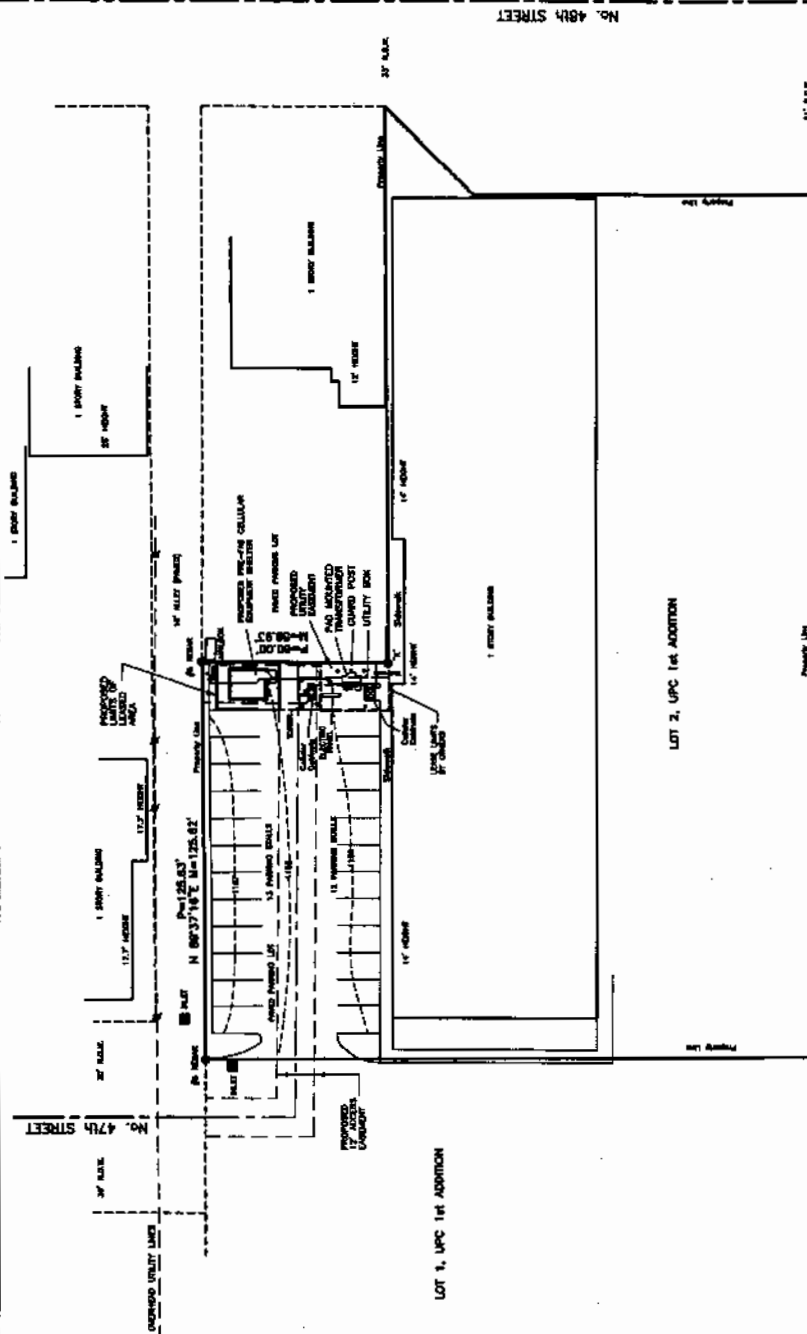
Special Permit #1866B 2401 N. 48th St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 17 T10N R7E





LEGAL DESCRIPTION PARENT PARCEL

LOT 2, 1/4 SEC. 1st ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

LEGAL DESCRIPTION LEASE SITE

[illegible]

LEGAL DESCRIPTION ACCESS EASEMENT

THAT PART OF LOTS 1 AND 2, UPC 1st ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6th P.M., LAMAR COUNTY, NEBRASKA, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EGAL DESCRIPTION	UTILITY EASEMENT
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99.00	99.00
100.00	100.00

THAT PART OF LOT 2, UPG 1st ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 8th P.M., LINCOLN, HANCOCK COUNTY, MINNESOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ZONING

B-3 COMMERCIAL DISTRICT
FRONT YARD SETBACK= 0'
SIDE YARD SETBACK= 0'
REAR YARD SETBACK= 0'

FLOOD ZONE

BASE FLOOD ELEVATION FOR THE SITE IS 1161.50 NGVD 85 DATUM
ALL NEW STRUCTURES MUST BE ELEVATED 1.00' ABOVE BASE FLOOD ELEVATION
1161.50 NGVD 85 DATUM

SURVEYOR'S CERTIFICATE

THE UNKNOWNED A DAILY REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT I CAUSED A SURVEY TO BE MADE OF THE FOREGOING CROSSROAD PROPERTY AND THAT THE RESULTS OF SAID SURVEY ARE TRULY AND ACCURATELY SET FORTH HEREIN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DISTANCES ARE MEASURED IN FEET AND DECIMALS OF A FOOT.



ASSOCIATED ENGINEERING, PC
 157 NORTH MAIN ST.
 ELIZABETH, NE 68022
 PH: (402) 288-5040
 FAX: (402) 288-5045
 NEPC PROJECT #1009

REGISTERED PROFESSIONAL ENGINEER
 TOM NIEDHI
 E-8433
 STATE OF NEBRASKA
 DATE SIGNED: 2/23/04
 EXPIRES: 12/31/04

Altel
 COMMUNICATIONS, INC.
 1440 M STREET
 3RD FLOOR
 LINCOLN, NE - 68508

DRAWN BY: CHK BY: JPV BY: TM
 NAK NAK TM

APPROVALS:
 ALLTEL PROJECT ENGINEER
 ALLTEL PROPERTY SPECIALIST

OWNER
 ALLTEL SITE NAME:
 LINCOLN-3RD & HUNTINGTON

ALLTEL SITE NUMBER:
 447

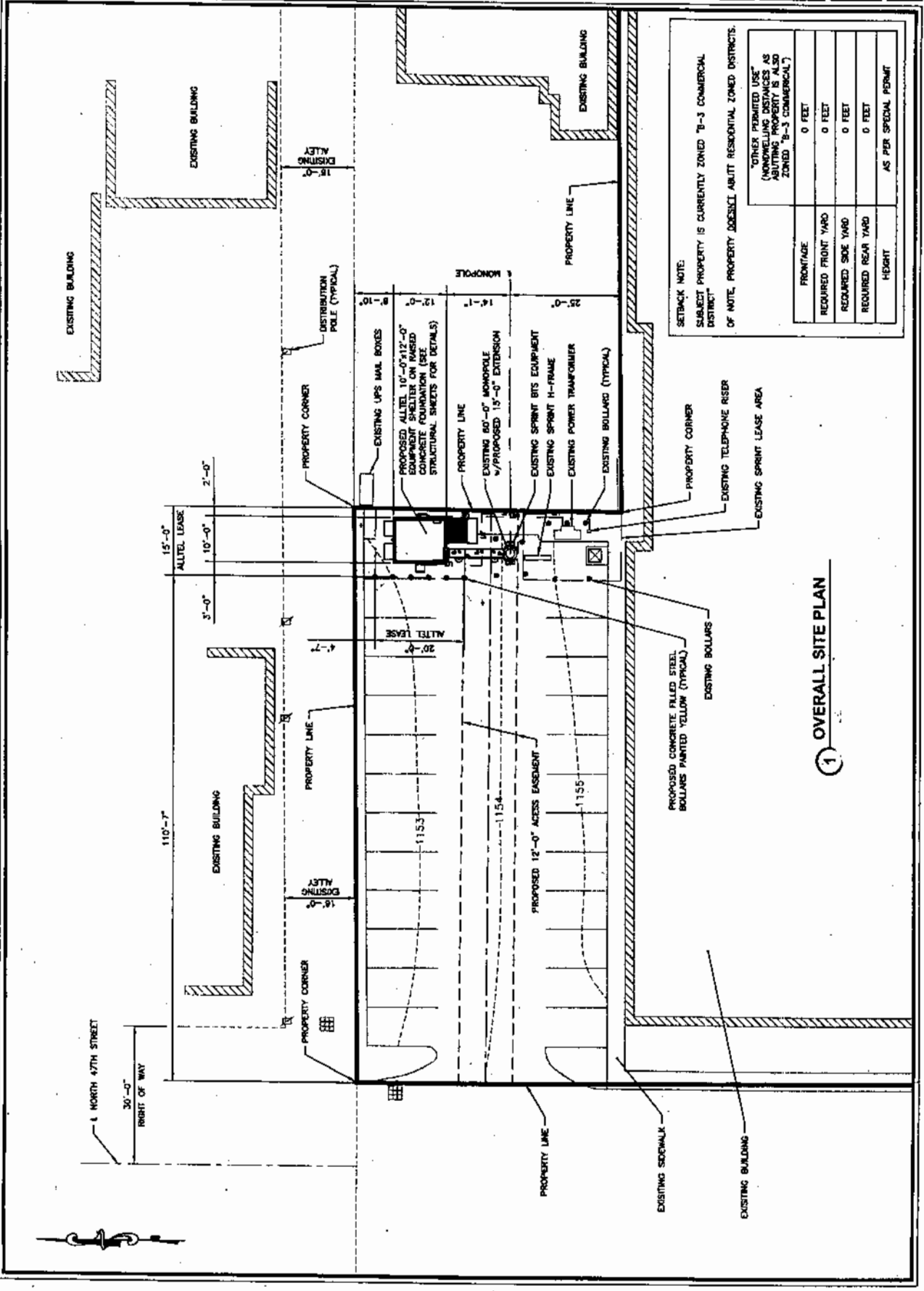
REVISIONS:

REV.	DATE	DESCRIPTION
0	03/12/03	100% CONST. DMS
1	03/25/03	REV. PER CLIENT
2	02/22/04	REV. PER CITY

DRAWING TITLE:
OVERALL SITE PLAN

DRAWING NUMBER:
C-1

PROJECT NUMBER:
 738546201





Faulk & Foster

March 15, 2006

Via DHL Express

Brian Will
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Application of ALLTEL Communications of Nebraska, Inc., by Faulk & Foster for correction of erroneous fall zone waiver language in Special Permit 1866A/Resolution No. PC-00975 approved 2/1/06

Dear Mr. Will:

The purpose of this application is to replace the erroneous fall zone waiver language "from 49 feet to 40 feet from the north property line" with the language "from 49 feet to 32 feet from the north property line" in both the preamble and in condition 2 of Resolution No. PC-00975 approving Special Use Permit No. 1866A in order to accurately reflect the distance from the property line shown on the drawings. Please consider this correction for administrative approval. If this cannot be approved administratively, please place the amendment on the April 12 Planning Commission agenda.

I have enclosed the following:

- Our check in the amount of \$250.00 to correct the language in Special Permit 1866A
- A completed Zoning Application Form
- A Purpose Statement
- Ownership Information
- 12 sets of engineer-stamped Construction Drawings including site plan, elevation view, and construction details (6 in the first packet and 6 in a second packet)

If any additional information is required or you have any questions or concerns, please do not hesitate to contact me at ralph.wyngarden@faulkandfoster.com or 1-616-975-0923, ext. 115. Thank you very much for your assistance.

Sincerely,

Ralph Wyngarden

Enclosures

